

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Council Members

**FROM/PHONE:** William (Bill) F. Underwood, II/797-1050

**DOCUMENT PREPARED BY:** William (Bill) F. Underwood, II/797-1050

**SUBJECT:** RESOLUTION

**AFFECTED DISTRICT:** All

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

During the annual budget process, Town Council approved a new Storm Water Fund to mitigate water event runoff that adversely affects the Town's residents. In order to implement the proposed assessment, for the current year and the next fiscal year, the Town must adopt the attached resolution which indicates the Town's intent to use the Truth in Millage (TRIM) process to levy the assessment for fiscal year 2005.

Staff is currently completing the final analysis for the current year billing. This should be ready to bill on or about May 1<sup>st</sup>. The tentative schedule of events leading up to the Town's first billing is attached hereto for your perusal. It is necessary to move forward with this program because the Town adopted the current budget than reflects the tentative fee of approximately \$1.00 per month per equivalent storm water unit (ESU).

**PREVIOUS ACTIONS:** Adopted Storm Water Fund Estimated Revenue and Appropriations in Ordinance 2003-35.

**CONCURRENCES:** Town Administration, Public Works, Town Clerk

**FISCAL IMPACT:**

Has request been budgeted? Not applicable

If yes, expected cost:

Additional Comments:

**RECOMMENDATION(S):** Motion to approve the resolution.

**Attachment(s):**

Resolution

Critical Events Schedule

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie, Florida (the "Town") is contemplating the imposition of special assessments for the provision of stormwater management services and improvements; and

WHEREAS, the Town intends to use the uniform method for collecting non-ad valorem special assessments for the cost of providing stormwater management services and improvements to property within the incorporated area of the City as authorized by section 197.3632, Florida Statutes, as amended, because this method will allow such special assessments to be collected annually commencing in November 2004, in the same manner as provided for ad valorem taxes; and

WHEREAS, the Town held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. Commencing with the Fiscal Year beginning on October 1, 2004, and with the tax statement mailed for such Fiscal Year, the Town intends to use the uniform method of collecting non-ad valorem assessments authorized in section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing stormwater management services and improvements. Such non-ad valorem assessments shall be levied within the incorporated area of the City. A legal description of such area subject to the assessment is attached hereto as Exhibit B and incorporated by reference.

SECTION 2. The Town hereby determines that the levy of the assessments is needed to fund the cost of stormwater management services and improvements within the incorporated area of the Town.

SECTION 3. Pursuant to section 197.3632, Florida Statutes, the Broward County Property Appraiser and the Broward County Department of Finance and Administrative Services have agreed that the City may have until March 1, 2004 to adopt this Resolution, such agreements being attached hereto as Exhibit C and incorporated herein by reference.

SECTION 4. Upon adoption, the Town Clerk is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the Broward County Department of Finance and Administrative Services, and the Broward County Property Appraiser by March 10, 2004.

SECTION 5. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

\_\_\_\_\_  
MAYOR/COUNCIL MEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

**EXHIBIT A**

**PROOF OF PUBLICATION**

**[PLEASE INSERT PROOF OF PUBLICATION]**

**EXHIBIT B**

**TOWN OF DAVIE, FLORIDA**  
**MORE PARTICULARLY DESCRIBED**  
**AS IN THE**

**CODE OF ORDINANCES**  
**PART 1, CHARTER; SECTION 2, CORPORATE LIMITS**

## **NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS**

The Town of Davie, Florida (the "Town") hereby provides notice, pursuant to section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied within the incorporated area of the Town, for the cost of providing stormwater management services and improvements commencing for the Fiscal Year beginning on October 1, 2004. The Town will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by section 197.3632, Florida Statutes, at a public hearing to be held at 7:00 p.m. on February 18, 2004 at Town Hall, 6591 Orange Drive, Davie, Florida. Such resolution will state the need for the levy and will contain a legal description of the boundaries of the real property subject to the levy. Copies of the proposed form of resolution, which contains the legal description of the real property subject to the levy, are on file at Town of Davie, Florida. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Town with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact Office of the Clerk at (954)797-1000, three (3) days prior to the date of the hearing.

DATED this \_\_\_\_ day of \_\_\_\_ 2004.

By Order of:

\_\_\_\_\_  
TOWN OF DAVIE, FLORIDA

Publish in a newspaper of general circulation on the following dates:

January 21, 2004  
January 28, 2004  
February 4, 2004  
February 11, 2004

APPENDIX C  
AGREEMENT WITH PROPERTY APPRAISER  
AND DEPARTMENT OF FINANCE  
AND ADMINISTRATIVE SERVICES

**BROWARD COUNTY PROPERTY APPRAISER'S  
CONSENT TO EXTENSION OF TIME**

This Consent to Extension of Time is given as of Feb 2, 2004, by the Broward County Property Appraiser (the "Property Appraiser"), to the Town of Davie (the "Town").

**WHEREAS**, the Town desires to collect non-ad valorem assessments for the provision of stormwater services and improvements provided within the Town, beginning with Fiscal Year 2004-05;

**WHEREAS**, the Town must adopt a resolution of intent under Chapter 197, Florida Statutes, in order to collect said assessment on the tax bill under the Uniform Method of Collection;

**WHEREAS**, the Town would like an extension beyond January 1, 2004, to March 1, 2004, by which to adopt the resolution of intent; and

**WHEREAS**, the Town seeks the consent of the Property Appraiser and Broward County Department of Finance and Administrative Services for such extension of time.

**NOW, THEREFORE**, the Property Appraiser hereby consents, pursuant to section 197.3632(3)(a), Florida Statutes, to the Town's holding of a public hearing prior to March 1, 2004 to consider the adoption of a resolution of the Town Council of the Town of Davie, Florida providing a notice of its intent to use the section 197.3632, Florida Statutes, non-ad valorem method of collecting assessments to fund the Town's stormwater services and improvements within the Town, beginning with Fiscal Year 2004-05.

  
William Markham  
Broward County Property Appraiser

**CRITICAL EVENTS SCHEDULE**  
**TOWN OF DAVIE**  
**STORMWATER ASSESSMENT PROJECT**  
*(1<sup>ST</sup> & 3<sup>RD</sup> WEDNESDAY – 7:00 PM)*

<b>EVENT</b>	<b>DATE</b>
Project Initiation	January 14, 2004
Develop database and methodology	January – February 2004
NG&N provides draft Ordinance authorizing imposition of non-ad valorem assessments to GSG	February 13, 2004
GSG provides comments re: Ordinance	February 17, 2004
NG&N provides draft Ordinance to Town	February 19, 2004
Comments from Town staff re: Ordinance	February 23, 2004
Deadline for newspaper for Ordinance advertisement (NG&N to Town)	February 25, 2004
NG&N provides Ordinance to Town for agenda deadline (First Reading)	February 25, 2004
NG&N provides draft Initial Assessment Resolution to GSG	February 27, 2004
Data collection completed	March 1, 2004
GSG provides Draft Memorandum to NG&N for comments	March 2, 2004
GSG provides comments re: Initial Assessment Resolution	March 2, 2004
First Reading of the Ordinance	March 3, 2004
NG&N provides draft Initial Assessment Resolution to Town	March 4, 2004
Town advertises Ordinance	March 5, 2004
Comments from Town staff re: Initial Assessment Resolution	March 8, 2004
NG&N provides comments to GSG in Memorandum	March 8, 2004
Draft Memorandum to Town Staff	March 10, 2004
NG&N provides Initial Assessment Resolution to Town for agenda deadline	March 10, 2004
Town Staff provides comments on Memorandum	March 12, 2004
Final Memorandum to Town	March 17, 2004
Public Hearing to adopt Ordinance authorizing imposition of non-valorem assessments (Second Reading)	March 17, 2004
Town Council adopts Initial Assessment Resolution	March 17, 2004

*TOWN OF DAVIE (continued)*

<b>EVENT</b>	<b>DATE</b>
GSG transmits published notice reminder letter to Town	March 18, 2004
GSG Prints and stuffs First Class Notices	March 18-31, 2004
Publish Notice of Public Hearing to adopt Final Assessment Resolution	March 31, 2004
GSG Mails First Class Notices to affected property owners	March 31, 2004
NG&N provides draft Final Assessment Resolution to GSG	April 2, 2004
GSG provides comments re: Final Assessment Resolution	April 6, 2004
NG&N provides draft Final Assessment Resolution to Town	April 8, 2004
Town provides comments to NG&N re: Final Assessment Resolution	April 12, 2004
Agenda Deadline for submittal of Final Assessment Resolution	April 14, 2004
Public Hearing to adopt Final Assessment Resolution	April 21, 2004
Interim Assessment Program Implementation	May 1, 2004
Mail Delinquent Notices	June 30, 2004
NG&N provides draft Preliminary Assessment Resolution for GSG comments	July 13, 2004
GSG provides comments on Preliminary Assessment Resolution	July 16, 2004
NG&N provides Town with draft Preliminary Assessment Resolution	July 20, 2004
Town staff provides comments re: Preliminary Assessment Resolution	July 23, 2004
NG&N provides Preliminary Assessment Resolution for agenda package	July 27, 2004
Town Council adopts Preliminary Assessment Resolution	August 4, 2004
GSG transmits published notice reminder letter to Town	August 5, 2004
Print and stuff First Class Notices (if required)	August 5-11, 2004
Publish Notice of Public Hearing to adopt Annual Assessment Resolution	August 11, 2004
Mail First Class Notices and additional delinquent notices to affected property owners	August 11, 2004
NG&N provides draft Annual Assessment Resolution for GSG comments	August 13, 2004
GSG provides comments on Annual Assessment Resolution	August 16, 2004
NG&N provides Town with draft Annual Assessment Resolution	August 20, 2004
Town staff provides comments re: Annual Assessment Resolution	August 23, 2004

*TOWN OF DAVIE (continued)*

<b>EVENT</b>	<b>DATE</b>
NG&N provides Annual Assessment Resolution for agenda package	August 25, 2004
Test tape of Non-Ad Valorem Assessment Roll to Broward County Department of Revenue Collection	August 30, 2004
Public Hearing to adopt Annual Assessment Resolution	September 1, 2004
Town certifies Non-Ad Valorem Assessment Roll to Broward County Department of Revenue Collection	September 15, 2004